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COMPREHENSIVE EXAMINATION OF THEMATIC ISSUES RELATING TO THE ELIMINATION OF RACIAL DISCRIMINATION

Joint working paper on article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination

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INTRODUCTION

1. In its decision 1996/120 of 29 August 1996, the Sub-Commission on Prevention of Discrimination and Protection of Minorities decided to entrust two of its members, Mr. José Bengoa and Mr. Mustafa Mehedi, with the preparation, without financial implications, of a joint working paper on article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination, together with two members of the Committee on the Elimination of Racial Discrimination (CERD), Mr. Ivan Garvalov and Mrs. Shanti Sadiq Ali, to be submitted to the two bodies at their respective sessions in August 1997. In a note by the Secretariat (E/CN.4/Sub.2/1997/6), the joint working paper was deferred for a year, and a further note by the Secretariat was issued which gave a progress report on the implementation of Sub-Commission decision 1996/120 (E/CN.4/Sub.2/1997/46).

2. The events leading up to decision 1996/120 began with a joint meeting, on 8 August 1995, between CERD and the Sub-Commission. The Chairpersons of the two bodies, Mr. Ivan Garvalov (CERD) and Mr. Ioan Maxim (Sub-Commission), who presided over the joint meeting, issued an agreed declaration for a joint cooperative action which, inter alia, included a call for a joint study of all aspects of the implementation of article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination (A/50/18, para. 702). One year later, on 15 August 1996, the officers of CERD and the Sub-Commission met to consider how the joint working paper could be accomplished, and agreed to recommend to their respective bodies then in session, that two experts from each body be appointed to undertake the drafting of the paper.

3. The present paper relies principally on an analysis of the reports of States parties to CERD for the three-year period 1995-1997, 1/ and a survey undertaken by the four experts who, by letter, requested all States Members of the United Nations to supply information on the steps they had taken in the field of human rights education to combat racial discrimination, irrespective of whether the State in question had ratified the Convention. 2/ The approaches taken by the experts in analysing article 7 differed somewhat and this is reflected in the present paper. Mr. Garvalov and Mrs. Sadiq Ali, who examined the situation in Europe, North America and Asia, adopted a thematic approach without citing individual countries by name. Mr. Bengoa and Mr. Mehedi, who examined the situation in Latin America and Africa, respectively, cited documentation pertaining to individual countries in their analysis.

I. ARTICLE 7: AN OVERVIEW

4. Article 7 of the Convention commits States parties to "undertake to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnic groups, as well as propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, and this Convention".

5. For the purposes of advancing the objectives of article 7, it may also be read in conjunction with article 1 (4) of the Convention, which reads:

> "Special measures taken for the sole purpose of securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection as may be necessary in order to ensure such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms shall not be deemed racial discrimination, provided, however, that such measures do not, as a consequence, lead to the maintenance of separate rights for different racial groups and that they shall not be continued after the objectives for which they were taken have been achieved."

6. Obviously, there is a distinction between the two terms "racial discrimination" and "racism". According to article 1 (1) of the International Convention on the Elimination of All Forms of Racial Discrimination, "the term 'racial discrimination' shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life". Undoubtedly, "racial discrimination", particularly in its more vicious manifestations, is a question of criminal behaviour and should be dealt with accordingly. Articles 2, 3, 4 and 6 of the International Convention are explicit in this regard.

7. Article 7 is couched in the same obligatory language as articles 2 and 5, thus placing no lesser mandatory requirements upon States parties than those contained in articles 4 and 6 of the Convention. Particular reference must also be made to article 5, in particular paragraph (c) (v) referring to the right to equal education and training.

8. Teaching, education, culture and information are central to article 7, having equal importance. Though independent fields, the interrelationship that exists between them projects a joint and action-oriented approach to combating racial discrimination and promoting understanding, tolerance and friendship among nations and racial or ethnic groups. Therefore, while States should strive to eradicate illiteracy, they are also duty-bound to direct education towards the full development of the human personality and the strengthening of respect for and observance of basic human rights and fundamental freedoms. Article 7 also highlights the objective for States parties to propagate the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination.

9. Considering the wide scope of article 7, it is obvious that it cannot be as effective in isolation as it can be within an established and strong cooperative relationship between the International Convention and the other international human rights instruments whose common purpose is to combat racism and racial discrimination through education, training, culture and information. It is therefore necessary to reaffirm the commitment to the principle of indivisibility and interdependence of all human rights, economic, social, cultural, civil and political. There must be a holistic and integrated approach to human rights education. As the Vienna Declaration and Programme of Action states that: "All human rights are universal, indivisible

and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis."

II. INTERNATIONAL INSTRUMENTS RELATING TO ARTICLE 7

10. In its eleventh preambular paragraph, the International Convention on the Elimination of All Forms of Racial Discrimination makes reference to two relevant conventions, one adopted by the International Labour Organization in 1958 and the other by the United Nations Educational, Scientific and Cultural Organization in 1960.

11. Article 1 of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) adopted by the General Conference of the ILO at its forty-second session and coming into force on 25 June 1958, has a direct bearing on article 7. Article 1 states:

> "For the purpose of this Convention the term 'discrimination' includes:
>
> "(a) Any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation;"

And article 3 states:

> "Each Member for which this Convention is in force undertakes, by methods appropriate to national conditions and practice:
>
> " ...
>
> "(b) To enact such legislation and to promote such educational programmes as may be calculated to secure the acceptance and observance of the policy;
>
> " ...
>
> "(e) To ensure observance of the policy in activities of vocational guidance, vocational training and placement services under the direction of a national authority ...".

12. Article 1 of the UNESCO Convention against Discrimination in Education directly influences article 7. It provides that:

> "1. For the purpose of this Convention, the term 'discrimination' includes any distinction, exclusion, limitation or preference which, being based on race, colour, sex, language, religion, political or other opinion, national or social origin, economic conditions or birth, has the purpose or effect of nullifying or impairing equality of treatment in education and, in particular:

"(a) Of depriving any person or group of persons of access to education or any type or at any level;

"(b) Of limiting any person or groups of persons to education of an inferior standard;

"(c) Subject to the provisions of article 2 of this Convention, of establishing or maintaining separate educational systems or institutions for persons or groups of persons; or

"(d) Of inflicting on any person or group of persons conditions which are incompatible with the dignity of man.

"2. For the purpose of this Convention, the term 'education' refers to all types and levels of education, and includes access to education, the standard and quality of education, and the conditions under which it is given."

13. Since the adoption of the International Convention on the Elimination of All Forms of Racial Discrimination (General Assembly resolution 2106 A (XX) of 21 December 1965; entry into force on 4 January 1969) other instruments have been adopted and ratified and have entered into force which in one way or another have a bearing on article 7 these are:

1. International Covenant on Economic, Social and Cultural Rights (entry into force 3 January 1976);

2. International Covenant on Civil and Political Rights (entry into force 23 March 1976);

3. International Convention on the Suppression and Punishment of the Crime of Apartheid (entry into force 18 July 1976);

4. Convention on the Elimination of All Forms of Discrimination against Women (entry into force 3 September 1981);

5. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (entry into force 26 June 1987);

6. Convention on the Rights of the Child (entry into force 2 September 1990);

7. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (General Assembly resolution 45/158 of 18 December 1980; not yet in force);

8. Declaration on Race and Racial Prejudice (adopted and proclaimed on 27 November 1978 by the General Conference of UNESCO at its twentieth session);

9. Declaration on Fundamental Principles concerning the Contribution of the Mass Media to Strengthening Peace and International Understanding, to the Promotion of Human Rights and to

Countering Racialism, Apartheid and Incitement to War (proclaimed on 28 November 1978 by the General Conference of UNESCO at its twentieth session in Paris);

10. Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (proclaimed by General Assembly resolution 36/55 of 25 November 1981);

11. Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (adopted by General Assembly resolution 47/135 of 18 December 1992);

12. Vienna Declaration and Programme of Action adopted on 25 June 1993 by the World Conference on Human Rights;

14. Among the international instruments listed above, there are a number that treat both specifically and broadly the issues and subject matter of article 7. A number of their provisions contribute in a significant way to enhancing the importance of article 7. Those provisions are:

(a) International Covenant on Economic, Social and Cultural Rights, articles 13, 14 and 15;

(b) International Covenant on Civil and Political Rights, article 19;

(c) International Convention on the Suppression and Punishment of the Crime of Apartheid, article II (c);

(d) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, article 10;

(e) Convention on the Elimination of All Forms of Discrimination against Women, article 10;

(f) Convention on the Rights of the Child, articles 12, 13, 14, 15, 17 and 19;

(g) Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, articles 2, 4 and 6;

(h) Declaration on Race and Racial Prejudice, articles 5 and 6;

(i) Declaration on Fundamental Principles concerning the Contribution of the Mass Media to Strengthening Peace and International Understanding, to the Promotion of Human Rights and to Countering Racialism, Apartheid and Incitement to War, articles II, III, IV, VII, IX and X.

(j) Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, articles 1, 5 and 6.

15. The main regional instruments are the European Convention on Human Rights (1950), the European Social Charter (1961), the American Convention on

Human Rights (1969), the Helsinki Final Act of the Conference on Security and Cooperation in Europe (1975) and the African Charter on Human and Peoples' Rights (1981).

III. THE COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

A. General recommendations

16. At its fifteenth session, in 1977, the Committee adopted General Recommendation V which states inter alia the following:

> "The Committee on the Elimination of Racial Discrimination,
>
> "...
>
> "Considering that the obligations under article 7 of the Convention, which are binding on all States parties, must be fulfilled by them, including States which declare that racial discrimination is not practised on the territories under their jurisdiction, and that therefore all States parties are required to include information on their implementation of the provisions of that article in the reports they submit in accordance with article 9, paragraph 1, of the Convention.
>
> "...
>
> "1. Requests every State party which has not already done so to include - in the next report it will submit in accordance with article 9 of the Convention, or in a special report before its next periodic report becomes due - adequate information on the measures which it has adopted and which give effect to the provisions of article 7 of the Convention,
>
> "2. Invites the attention of the States parties to the fact that, in accordance with article 7 of the Convention, the information to which the preceding paragraph refers should include information on the 'immediate and effective measures' which they have adopted, 'in the field of teaching, education, culture and information', with a view to:
>
> "(a) 'Combating prejudices which lead to racial discrimination';
>
> "(b) 'Promoting understanding, tolerance and friendship among nations and racial or ethnic groups';
>
> "(c) 'Propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination' as well as the International Convention on the Elimination of All Forms of Racial Discrimination."

17. General Recommendation V was meant to highlight the objectives of the Convention, and particularly the imperative of adopting "immediate

and effective measures" in the fields of teaching, education, culture and information. It also placed these four fields on an equal footing, while each one remains independent of the others.

18. General Recommendation XIII on the training of law enforcement officials in the protection of human rights, adopted by the Committee at its forty-second session in 1993, is understandably connected with article 7. Paragraph 3 reads:

> "In the implementation of article 7 of the Convention, the Committee calls upon States parties to review and improve the training of law enforcement officials so that the standards of the Convention as well as the Code of Conduct for Law Enforcement Officials are fully implemented. They should also include respective information thereupon in their periodic reports."

19. The Committee adopted General Recommendation XXII concerning the rights of refugees and persons displaced on the basis of ethnic criteria at its forty-ninth session in 1996. This recommendation is also relevant to the provisions of article 7.

20. In General Recommendation XXIII concerning indigenous peoples, adopted by the Committee at its fifty-first session in 1997, the Committee called in particular on States parties to:

> "(a) Recognize and respect indigenous distinct culture, history, language and way of life as an enrichment of the State's cultural identity and to promote its preservation;
>
> "(b) Ensure that members of indigenous peoples are free and equal in dignity and rights and free from any discrimination, in particular based on indigenous origin or identity;
>
> "(c) Provide indigenous peoples with the conditions allowing for a sustainable economic and social development compatible with their cultural characteristics;
>
> "(d) Ensure that members of indigenous peoples have equal rights in respect of effective participation in public life, and that no decisions directly relating to their rights and interests are taken without their informal consent;
>
> "(e) Ensure that indigenous communities can express their rights to practise and revitalize their cultural traditions and customs, and to preserve and to practise their languages."

B. Other action by the Committee

21. The Committee has been cooperating fully to help promote the objectives of the United Nations Decade for Human Rights Education, 1995-2005. In this

connection, on 17 March 1995, the Committee decided to issue a commentary (A/50/18, annex III) on the Secretary-General's report on the Decade (A/49/261/Add.1) in which it brought to the Secretary-General's attention the following:

> "(a) Concerning paragraph 13 (g), the Committee assures the Secretary-General that it will continue to monitor the implementation of article 7 of the Convention;
>
> "(b) Concerning paragraph 2 (c) of the annex, there are certain features of racial discrimination which are specific to it, such as the dissemination of doctrines of racial superiority. Nevertheless, the Committee believes that teaching about racial discrimination can well be presented as part of teaching about discrimination in general, including discrimination on other grounds, as suggested in this subparagraph;
>
> "(c) Concerning paragraphs 21-23 and 26 of the annex, the Committee supports the proposals in these paragraphs for information campaigns and popular education;
>
> "(d) Concerning paragraph 25 of the annex, higher education in this field will best be arranged within institutes of law and political sciences;
>
> "(e) Concerning paragraph 74 of the annex, the Committee supports the proposals for the training of persons in the occupational groups listed. It inquires about such training during its consideration of State party reports and has adopted General Recommendation XIII concerning the training of law enforcement officials and General Recommendation XVII on the establishment of national institutions to facilitate the implementation of the Convention."

22. The Committee fully supports the General Assembly which in its resolution 49/146 of 23 December 1994 renewed its invitation to UNESCO "to expedite the preparation of teaching materials and teaching aids to promote teaching, training and educational activities on racism and racial discrimination, with particular emphasis on activities at the primary and secondary levels of education". In addition, the Committee fully supports the call of the General Assembly upon Member States, contained in the Revised Programme of Action for the Third Decade to Combat Racism and Racial Discrimination annexed to the same resolution, to make specific efforts "(a) to promote the aim of non-discrimination in all educational programmes and policies; (b) to give special attention to the civic education of teachers" so as to make them "aware of the principles and essentials content of the legal texts relevant to racism and racial discrimination and of how to deal with the problem of relations between children belonging to different communities; (c) to teach contemporary history at an early age, presenting children with an accurate picture of the crimes committed by fascist and other totalitarian regimes, and more particularly of the crimes of apartheid and genocide; (d) to ensure that curricula and textbooks reflect anti-racist principles and promote intercultural education".

23. The Committee has been cooperating fully with the United Nations High Commissioner for Human Rights in her task of coordinating the Plan of Action for the United Nations Decade for Human Rights Education.

24. The Committee has established cooperation with the ILO and has exchanged materials regarding in particular Convention Nos. 87 (freedom of association), 98 (right to organize) and 169 (indigenous and tribal peoples) which are relevant to the provisions of article 7.

25. In its working paper entitled "Prevention of racial discrimination, including early warning and urgent procedures" (A/48/18, annex III) the Committee suggested that it could try to arrange short informal meetings at the regional and national levels, with the support of the United Nations agencies and organs, the purpose of which would be to promote greater awareness of international human rights standards and to facilitate a deeper understanding of the work of the treaty-body system. Additionally, seminars could be organized which could focus on the relationship between violence and racism; measures to eliminate racist propaganda; and problems to eliminate refugee flows arising from ethnic conflicts and political change.

26. As a result of the joint meeting between the Committee and the Sub-Commission held on 8 August 1995, the Committee initiated cooperation by designating certain members to remain in touch with the various treaty-monitoring bodies and to report to the Committee on their work.

27. The Committee has acknowledged that the parts of Part II of the Vienna Declaration and Programme of Action dealing with racial discrimination, minorities, indigenous peoples and migrant workers can serve as a guiding principle for the Committee's work, which necessarily implies a greater exchange of views and coordination with the other treaty bodies.

IV. ACTION BY THE UNITED NATIONS AND THE SPECIALIZED AGENCIES IN PROMOTION OF THE PROVISIONS OF ARTICLE 7

A. The United Nations

28. In the context of the contemporary situation in which new manifestations of racism and racial discrimination have led or threatened to lead to conflict in many areas of the world, severe national and ethnic violence has reached a degree of hatred and cruelty reminiscent of the Second World War. Radical sentiments of nationalism and ethnocentrism have been re-emerging. Manifestations of racism and xenophobia against immigrants, migrant workers and refugees are steadily growing. These symptoms are not confined to Europe and America; they exist in all parts of the world - in Asia, Africa and Latin America as well. There are, however, counter-movements, which are a source of hope that in all nations people are committed to the struggle against racism and racial discrimination and regard their elimination as a common standard of achievement.

29. The United Nations system, particularly in relation to the broad subject matter of article 7, also relies on the support it receives from regional and

national human rights bodies, including community and non-governmental organizations which are active in the development of a universal culture of human rights.

30. Since the entry into force of the Convention, the United Nations has launched a number of major initiatives which have contributed in large measure to stressing the importance of article 7 and highlighting certain aspects of its provisions. These major initiatives are as follows:

(a) The Decade for Action to Combat Racism and Racial Discrimination (1973-1983);

(b) The Second Decade for Action to Combat Racism and Racial Discrimination (1983-1993);

(c) The Third Decade for Action to Combat Racism and Racial Discrimination (1993-2003);

(d) The World Conference to Combat Racism and Racial Discrimination (14-25 August 1978);

(e) The Second World Conference to Combat Racism and Racial Discrimination (1-12 August 1983);

(f) The World Conference on Human Rights (14-25 June 1993).

31. In resolution 49/146 on the Third Decade to Combat Racism and Racial Discrimination referred to in paragraph 22 above, the Assembly

> "...
>
> "4. Urges all Governments to take all necessary measures to combat new forms of racism, in particular by adapting constantly the means provided to combat them, especially in the legislative, administrative, educational and information fields;
>
> "...
>
> "9. Urges the Secretary-General, United Nations bodies, the specialized agencies, all Governments, intergovernmental organizations and relevant non-governmental organizations, in implementing the Programme of Action for the Third Decade, to pay particular attention to the situation of indigenous people."

32. In the Revised Programme of Action to the Decade the Assembly requested the Secretary-General to organize regional workshops and seminars to which a team from CERD should be invited. Among the themes suggested for the seminars were seminars for educational and training experts, including non-governmental organizations, in cooperation with UNESCO and other appropriate organizations, aimed at the development of educational materials and training courses for teachers and other opinion leaders on eliminating prejudice and fostering

tolerance. The Assembly also supported the organization, in cooperation with UNESCO and the Department of Public Information, of a seminar on the role of mass media in combating or disseminating racist ideas.

33. The Revised Programme of Action contains a chapter entitled "Action at the National and Regional Levels" the relevant paragraphs of which read as follows:

> "14. The following questions are addressed in the context of action to be undertaken at the national and regional levels: have there been any successful national models to eliminate racism and racial prejudices that could be recommended to States, for example, for educating children, or principles of equality to tackle racism against migrant workers, ethnic minorities or indigenous people? What kind of affirmative action programmes are there at the national or regional level to redress discrimination against specific groups?
>
> "17. The General Assembly recommends that Member States encourage the participation of journalists and human rights advocates from minority groups and communities in the mass media. Radio and television programmes should increase the number of broadcasts produced by and in cooperation with racial and cultural minority groups. Multicultural activities of the media should also be encouraged where they can contribute to the suppression of racism and xenophobia."

34. The World Conference on Human Rights, in the Vienna Declaration and Programme of Action, reaffirmed in particular that

> "States are duty-bound, as stipulated in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights and in other international human rights instruments, to ensure that education is aimed at strengthening the respect of human rights and fundamental freedoms. The World Conference on Human Rights emphasizes the importance of incorporating the subject of human rights in education programmes and calls upon States to do so. Education should promote understanding, tolerance, peace and friendly relations between the nations and all racial or religious groups and encourage the development of United Nations activities in pursuance of these objectives. Therefore, education on human rights and the dissemination of proper information, both theoretical and practical, play an important role in the promotion and respect of human rights with regard to all individuals without distinction of any kind such as race, sex, language or religion, and this should be integrated in the education policies at the national as well as international levels. The World Conference on Human Rights notes that resources constraints and institutional inadequacies may impede the immediate realization of these objectives."

35. The World Conference also called on "all States and institutions to include human rights, humanitarian law, democracy and the rule of law as subjects in the curricula of learning institutions in formal and non-formal settings".

B. UNESCO

36. Education is another area in which a great effort is required in order to promote the culture of members of minority groups. Clearly, the culture of the members of a group cannot flourish if they are denied the right to education or discriminated against in education. It appears from the information available that, in a number of countries, for various reasons - historical circumstances, poverty, low level of economic development, social inferiority, prejudices on the part of dominant social groups, de facto segregation - the members of some groups encounter major obstacles in the search for equality in education. Education policy should therefore be seen as a key indicator of whether ethnic and linguistic minorities are able to exercise their right to their own culture.

37. The establishment, wherever possible, of special schools for the children of minority groups should be considered essential for the educational development of members of those groups. But it is just as important that they should be guaranteed the right to attend the establishment of their choice, irrespective of whether schools for minorities exist.

38. During the period 1991-1995, UNESCO's action in the task of combating all forms of racism, assigned to it in article I of its Constitution, came within the framework of 27 C/Resolution 5.13 (Major Programme Area V.2, "UNESCO's contribution to peace, human rights and the elimination of all forms of discrimination"), "Construction of a democratic, non-racial, apartheid-free society in South Africa", adopted by the General Conference on 11 November 1993.

39. During the 1994-1995 biennium, textbooks were prepared in order to promote minority languages and mother tongues as languages of instruction, particularly in Africa. The chief aim of these books is to enable the linguistic and cultural rights of all persons belonging to different national, ethnic, cultural or religious groups to be strictly respected; in this way they lay the foundations of better interracial, inter-ethnic and intercultural understanding.

40. In this regard, mention should be made of an international meeting on the definition of links between the concepts of a people's right to self-determination and cultural identity, organized by UNESCO (in collaboration with the Legal Sciences Institute of the Hungarian Academy of Science) and held in Budapest from 25 to 29 September 1991, which paid particular attention to ethnic minorities' problems of cultural identity and the protection of their rights in the areas of culture and education.

V. IMPLEMENTATION OF ARTICLE 7 BY STATES PARTIES

A. Overview

41. An analysis of the implementation of article 7 by States parties on the basis of the reports submitted to CERD and the replies received reveals that many States parties are very much aware of their obligations under the article and have taken various measures under their domestic legislation to implement it. Full compliance, however, is yet to be achieved.

42. No State party has yet created a complete system of human rights teaching and education for all its citizens and populations, extending from primary school to university and to out-of-school education as well, in which special emphasis is placed on the need to combat racial discrimination. The majority of States parties, as a matter of principle, provided information about their educational systems. In most cases, the information emphasizes that human rights education is provided for all on an equal footing. Yet, there is insufficient information about specific measures aimed at adapting educational policies and systems to combat racism and racial discrimination.

43. Some States parties have introduced special classes on human rights focusing in particular on the need to combat racism and racial discrimination, beginning at the elementary or secondary levels and continuing through college and university. The subject seems to be taught in an adequately detailed manner. There are also special courses on racism and racial discrimination, the International Convention on the Elimination of All Forms of Racial Discrimination and the other basic international human rights instruments. In certain universities there are compulsory courses with racial discrimination being one of the main subjects. A limited number of States parties make use of a core curriculum for primary, secondary and adult education which places a particular emphasis on counteracting prejudice and racial discrimination and promoting tolerance between ethnic groups and between them and the majority populations.

44. In a number of cases, where specific constitutional and administrative arrangements allow it, education and teaching are geared to preserving and developing the cultural uniqueness of national minorities and to protecting, restoring and preserving their cultural and historical environment and their right to cultural and national autonomy. In cases where there are no such arrangements, educational policies are focused on providing general education for all irrespective of their ethnic origin, and particular attention is paid to avoiding the adverse consequences that may ensue from placing too much emphasis on cultural and national autonomy for minorities.

45. States parties rarely assess in a systematic way the effectiveness of their measures aimed at giving effect to article 7. A limited number of States parties, in particular those which have taken such measures, have heeded CERD General Recommendation V. More concerted efforts are needed to promote intercultural and multicultural education.

46. In general, little information was available concerning teaching, teachers, lecturers and persons in various occupational groups about racism and racial discrimination and the need to combat them. Most of the information is confined to school teaching and rarely includes other categories such as law enforcement officials, magistrates, prosecutors, public figures, institutions, out-of-school activities, etc. Few States try to involve public institutions in the implementation of article 7, or to include national NGOs.

47. The education of immigrants and their children, in line with the requirements of article 7, is a major problem.

48. Whereas education and teaching, culture and information vis-à-vis racial discrimination are among the priorities of many States, the essence and specifics of the International Convention, and particularly article 7, are rarely included in school curricula or training courses for law enforcement officials, magistrates, judges, prosecutors, etc. The general public as a whole is ignorant of both the Convention and article 7.

49. Many States seem satisfied with disseminating the Convention and other basic international human rights instruments in their Official Gazette and other professional and administrative periodicals with limited circulation. In a limited number of cases, however, TV, radio and other mass media are involved in new initiatives concerning the need to combat racism and racial discrimination, the promotion of ethnic group interests, avoidance of material tending to reinforce divisions in society, providing more broadcasts in minority languages and wider discussions of ethnic and racial topics and problems, and the promotion of understanding and tolerance.

50. Theatre performances, shows, concerts, seminars, conferences, lectures and cultural events of minority cultures, history and language have not yet become permanent features of cultural life or the subjects of public information.

51. In many cases there is not enough emphasis on a fair portrayal of minority cultures, ethnic communities and their problems, or of existing prejudices and xenophobia, despite the fact that challenging racist and xenophobic statements, developing creative ways to combat racial discrimination and developing harmonious societies are among the top priorities of many States. It must be acknowledged that whereas understanding and tolerance are official policies in many States parties, they have not been effectively translated into day-to-day practices of public life, nor have they been firmly established as a consistent mode of behaviour.

B. Africa

52. As indicated in paragraph 3, the following analysis is based on States' reports to the Committee on the Elimination of Racial Discrimination, on replies to the note to States dated 26 November 1997, and on other information gathered by one of the authors of this working paper.

1. Algeria

53. It appears from the report submitted by Algeria that no special consideration is given to article 7. The report does, however, state in general terms that "the legislature constantly ensures that laws and regulations are consistent with the principle of non-discrimination" (CERD/C/280/Add.3, para. 13). Later, the report states that "practices constituting racial discrimination are unknown in Algeria" (ibid., para. 15). Importantly, the conclusion states: "Nowhere in the world does social activity prevent the emergence of activities that may be classified as discriminatory. It is nonetheless clear that the cultural characteristics of societies and their history may contribute to the more or less speedy disappearance of such activities. The process of democratization under way, together with the effects of the policy of compulsory schooling implemented

since independence, will certainly result in individuals becoming more aware of their rights. This could lead to the revelation of realities today unknown, but also to a gradual improvement in the conditions of implementation of the Convention," (ibid., para. 29).

54. Effective measures taken in recent years by the legislature in regard to teaching, education, culture and information, in order to combat all forms of discrimination, include the establishment in the Office of the President of the Republic of a Higher Board of Education (CSE). As a national body of consensus-building, coordination, study and evaluation in education and training, the CSE puts forward ideas for a strategy of integrated, harmonious overall development of the educational and training system, in accordance with recognized scientific and educational standards and with Algerian society's values of identity and culture, which continue to be centred on respect for the principle of non-discrimination.

55. The new Algerian Constitution of 28 November 1996, which states in its preamble that the basic constituents of the identity of the Algerian people are the Islamic culture, the Arab culture and the Amazighe culture, speaks of "national sovereignty belonging exclusively to the people".

56. This provision confirms presidential decree No. 95-147 of 27 May 1995 establishing the Office of the High Commissioner for Amazighe rehabilitation and for promotion of the Amazighe language, and signed by the President of the Republic (Journal officiel de la République algérienne démocratique et populaire, No. 29, 28 May 1995). Under article 4 of the decree, "the task of the Office of the High Commissioner is to rehabilitate and promote the Amazighe culture as one of the bases of Algerian national identity and to introduce the Amazighe language into the educational system and into communication."

57. It can thus be seen that, with the resolution of the Amazighe problem a new national consensus has been achieved, not through means and methods imposed from the top, but as a result of a grassroots movement. Since this national structure was set up, a programme has been drawn up to achieve its objectives. Since the establishment of the Office of the High Commissioner for Amazighe Affairs on 7 June 1995, the Amazighe language has started to become institutionalized through its introduction into the national education system and into communication.

58. In addition, in support of action by the Office of the High Commissioner for Amazighe Affairs in reintroducing and promoting the fundamental right to cultural identity, the National Human Rights Observatory, a partner in the UNESCO Chair on human rights education, recommends:

(a) Considering giving constitutional status to the Amazighe language;

(b) Ensuring that the Amazighe issue is seen to involve a fundamental right of identity and culture for the whole Algerian people, enabling it to re-establish its links with its past and so fulfil itself more completely;

(c) Ensuring that the Amazighe issue does not become a tool for ideological, political or partisan purposes, for interest groups or authorities.

59. One publication designed to increase awareness of and disseminate international human rights instruments is the Universal Declaration of Human Rights, translated for the first time ever into the Amazighe language by the National Human Rights Observatory. A national radio station called "Chaîne II" has also been in existence for some years, broadcasting various programmes each day in Amazighe.

60. A UNESCO Chair for teaching, research and education in human rights, democracy and peace was established in 1995 at the University of Oran Es-Sénia, on the basis of a partnership agreement between UNESCO, the University of Oran Es-Sénia and the National Human Rights Observatory.

61. With a view to promoting the purposes and principles set forth in the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination Against Women, the functions of the Chair in human rights include:

- Establishing and promoting an integrated research, training, information and documentation system;

- Acting as an instrument for global, regional, subregional and institutional cooperation;

- Contributing to the gradual development of an extended national system of continuing education in human rights, democracy and peace for all the persons, structures, institutions and organizations concerned, without discrimination;

- Disseminating to the public at large the Convention on the Elimination of All Forms of Discrimination Against Women, which Algeria ratified in 1996.

62. With particular reference to that Convention, and specifically to the reservations made to it (which are similar to those made by neighbouring countries), the UNESCO Chair is attempting to have the reservations overturned, drawing on scientific research and increased awareness on the part of the community organizations with regard to women's rights. It therefore welcomes with interest and satisfaction the willingness expressed by the head of Government to reform the Family Code.

63. It is important to note that the terrorist violence that attacks and kills blindly is a major obstacle to the dissemination and full implementation by the Algerian authorities of the Convention on the Elimination of All Forms of Discrimination Against Women.

64. Lastly, the Chair has been able to put into effect various kinds of measures and activities, including devising, launching and implementing an extensive programme of information, consciousness-raising and promotion in regard to human rights, including respect for non-discrimination, its implementation programme has taken the form of a number of study and information days, the production of publications and the organizations of several courses and conferences in professional and university establishments - all of which has taken place against the tragic backdrop of terrorist violence.

2. Burkina Faso

65. The report submitted by Burkina Faso gives no information on governmental measures except to say, in the conclusion, that "Burkina Faso has always made it a point of honour to abide by the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination so as to preserve the economic and political order. All forms of discrimination are prohibited and outlawed with a view to guaranteeing peace and social stability and building national unity in the interests of harmonious socio-economic and political development" (CERD/C/279/Add.2, para. 28).

3. Burundi

66. The report submitted by Burundi lists the measures taken in implementation of article 7 of the Convention:

(a) Strengthening activities to educate people for peace, tolerance and respect for human rights, at all levels of the educational system, as well as through campaigns to develop awareness and to foster among the general public the idea of national unity and peaceful coexistence;

(b) The development by the relevant ministerial departments of an extensive programme to teach civics and morals in order to foster respect for human rights, tolerance and understanding among all segments of the population;

(c) Initiation of a thorough dialogue as part of a national debate designed to elicit proposals from every citizen for solving Burundi's basic problems;

(d) The establishment of a national centre for the promotion of human rights;

(e) Government encouragement for the establishment of independent leagues and associations for the promotion and protection of human rights;

(f) The annual celebration of the anniversaries of the Universal Declaration of Human Rights and of the adoption of the African Charter on Human and Peoples' Rights;

(g) The creation, under decree-law No. 1/39 of 26 November 1992 regulating the press in Burundi, of a National Media Council whose responsibilities include ensuring that both public and private media propagate messages of tolerance and peace (CERD/C/295/Add.1, paras. 58-64).

The report's conclusion states that the Government of Burundi is committed "to taking further legislative, legal and administrative measures to combat all forms of discrimination so as to ensure dignity and equality among its citizens" (ibid., para. 66).

4. Democratic Republic of the Congo

67. The report submitted by the Democratic Republic of the Congo (formerly Zaire) states that "under article 35 of the Constitution, the State has a duty to ensure the dissemination of, and information on, the Universal Declaration of Human Rights, the African Charter on Human and Peoples' Rights and all duly ratified international human rights instruments". It goes on to say that "the State has an obligation to include human rights in all training programmes for the schools, the armed forces and the security services. Independently of this provision, university law courses include teaching on constitutional rights and human rights. The principles of human rights are taught at schools for the army, the gendarmerie and the civil guard" (CERD/C/278/Add.1, paras. 68 and 69).

5. Egypt

68. Egypt's action in recent years has been characterized by its wish to solve a number of problems arising from developments in society, through the use of school programmes and textbooks in the areas described below.

(a) *Human rights*

These cover subjects as varied as freedom, democracy, women's rights, the rights of the child, etc. They are taught in an objective way that takes account of the public interest, custom and religion. Human rights teaching in Arabic is widespread and has a prominent place in both Muslim and Christian religious education.

(b) *Non-discrimination between men and women in various aspects of life*

School programmes are aimed at pupils of both sexes and emphasize the importance of the role of women throughout history and their participation in the development and construction of the country today, on an equal footing with men. Among the measures taken to combat discrimination against women, the report mentions women's right to education, participation in public life and access to political posts, and action to combat degrading customs such as early marriage and female circumcision.

(c) *Tolerance*

Teaching deals basically with freedom of worship and respect for the religious practices of others in a country such as Egypt where several

religions exist side by side, the chief among them being Islam and Christianity. The same applies to the other minorities in Egypt, particularly the Coptic community.

(d) *Extremism and its causes and forms, and ways of combating this scourge*

By teaching pupils human values and fundamental notions of respect for those values, Egyptian society is seeking to eliminate all forms of extremist violence, which is the very negation of human rights in general and the right to life in particular. The information dated 29 December 1997 submitted by the Egyptian authorities emphasizes the efforts made to introduce these topics into school textbooks at different stages of education in a flexible, gradual way related to children's ages. However, as school books are not the only medium of teaching and education, these subjects are also taken up and dealt with at workshops not only for schoolchildren but for teachers and parents as well. In addition, a number of working meetings and educational seminars have been organized to discuss and explain the best way of addressing such subjects. The speech made by Mrs. Mubarak, the wife of the President of the Republic, on 31 October 1997 at the UNESCO meeting on "Young People and Tolerance" is an indication of the importance the Egyptian Government attaches to these new problems. In her speech, Mrs. Mubarak highlighted the need to work for social stability by teaching future generations about human values, respect for human rights and the harmonious development of the individual - bulwarks against intolerance - and by organizing and encouraging travel, international exchanges of young people and participation in a variety of activities worldwide, as well as the improvement of the media and the teaching of history as a universal heritage common to all nations.

6. Morocco

69. Measures taken by Morocco under article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination (reply dated 29 December 1997, addressed to the Office of the United Nations High Commissioner for Human Rights) include a considerable effort in recent years to introduce human rights education. A think-tank, for example, has been asked to look into the possibility of establishing and strengthening a human rights culture at the various levels of education.

70. On 26 December 1994, a partnership agreement was signed by the ministries concerned with a view to implementing and strengthening the principles and foundations of human rights in primary and secondary school teaching programmes. The strategy adopted for the project extends over the period from 1995 to 2004. It includes a preparatory phase, an experimental phase and an extension phase devoted to follow-up and evaluation of the project.

71. Since 1995 a joint commission has been in existence as well as two sub-commissions, one of which is responsible for the curriculum (preparation of teaching programmes for the future) and the other for school textbooks (history, geography, Arabic, French, philosophy and Islamic education). These bodies, whose task is to review, and where necessary amend, the content of texts and proposed educational activities, have been in operation for more than a year and organized two workshops in April 1997.

72. In addition, an agreement has been signed between UNESCO and the Ministry of Higher Education establishing a Chair as of 1996-1997. The plan of action for the Chair includes a section on human rights and another on training.

7. Mauritius

73. The report submitted by Mauritius states that "under section 11 of the Constitution no person is compelled to receive religious instruction against his will when he attends a place of education, the more so if that instruction relates to a religion that he does not profess" (CERD/C/280/Add.2, para. 96).

74. The report also notes the elaboration of a Master Plan on Education for the Year 2000, in which provision is made to teach subjects to foster greater understanding, tolerance and friendship among nations and racial or ethnic groups.

75. With regard to culture, the Ministry for Arts and Culture organizes a Music Day and a National Arts Day every year to promote understanding among Mauritians, as well as debating and playwriting competitions for schools. It also provides financial and logistical support to various non-governmental organizations. The Mauritius Broadcasting Corporation aims to strike a fair balance in the sharing of airtime among various educational, cultural, political and religious standpoints.

8. Namibia

76. The report submitted by Namibia (CERD/C/275/Add.1) indicates the following measures taken in implementation of article 7 of the Convention:

(a) Introduction of civic education as a cross-curricular subject.

(b) Establishment by the Ministry of Education and Culture of a Committee for Civil Education, which embraces several ministries and is made up of members not only of government institutions but also of non-governmental organizations. According to the report, the Committee has already organized two major conferences on civic education in Namibia and prepared a draft programme, a special section of which is devoted to human rights issues.

(c) In the area of information, the report mentions the role played by the State-owned Namibia Broadcasting Corporation - television and radio - in combating discrimination by arranging special programmes and disseminating information on human rights.

9. Nigeria

77. Nigeria's report on the implementation of article 7 of the Convention (CERD/C/263/Add.3), indicates that one of the country's goals is to promote the values of tolerance, equality and social justice, and that radio and television also disseminate information on the protection and promotion of human rights.

10. Swaziland

78. Swaziland's report makes no mention of measures taken in implementation of article 7 of the Convention. It notes that "His Majesty King Mswati III, when opening Parliament, pointed out that a committee would be appointed to look into the drafting of the country's constitution. The drafting of the constitution, which will start shortly, will address adequately all aspects of the Convention left out by the present legislation" (CERD/C/299/Add.2, para. 17).

11. Chad

79. The report submitted by Chad (CERD/C/259/Add.1) gives no information on measures taken in implementation of article 7 of the Convention.

12. Tunisia

80. The desire to bring up children and young people according to the ideals of peace, justice, tolerance and the respect for fundamental human rights is not new in Tunisia.

81. The national educational programmes, which were drawn up immediately after independence, aim, through various disciplines such as history, geography and Arabic or French literature, to enhance young people's understanding and their awareness of the problems of States' independence and sovereignty, as well as mutual respect, and of the problems of oppressed peoples and minorities, war and its consequences for humanity. A prominent place has always been reserved, in addition, for anything that contributes to openness of mind and focuses attention on world scientific and cultural events, thus promoting better understanding and acceptance of others.

82. The Tunisian Government has already informed the United Nations High Commissioner for Human Rights (E/CN.4/1997/46) of the establishment of a National Committee for Human Rights Education. In a note addressed to the High Commissioner, it presented a preliminary report containing information on the following:

(a) The status of human rights education in primary schools, secondary schools and establishments of higher education;

(b) An existing programme of human rights training for professional groups (such as law enforcement agents, magistrates and lawyers) and in professional training centres;

(c) Programmes addressed to vulnerable groups (children, including juvenile offenders, women, people with disabilities, detainees) and the existing provision of information about human rights among the public in general, with an emphasis on the role of the media.

83. The Government of Tunisia also stressed the important role of the Arab Institute for Human Rights, based in Tunis, in the dissemination of a culture of human rights through the organization of national and regional seminars.

The Government illustrated its envisaged national strategy for human rights education, which includes close cooperation with United Nations agencies.

13. General comments

84. It would be over-ambitious to put forward general comments about the African countries as a whole when the information obtained concerns only 12 of them, which means that the study is incomplete. Nevertheless, some common factors can be isolated from the information provided on the implementation of article 7 of the Convention:

(a) The tendency to either hide or play down the issue of discrimination by asserting that discrimination is unknown in the society concerned. The legislature will, however, adopt preventive measures to combat it (Algeria, Egypt, Morocco and Tunisia).

(b) The inadequacy or lack of measures taken in regard to discrimination (Burkina Faso, Chad, Democratic Republic of the Congo, Nigeria and Swaziland).

(c) Sketchy reports make it impossible to obtain relevant information (Mauritius).

(d) Countries where racial discrimination exists have adopted a series of measures (Burundi and Namibia).

14. Observations

85. Racism and xenophobia are clearly on the increase in the world today, even though South Africa has proved that racism, in its institutionalized form, apartheid, can be overcome and dismembered.

86. Furthermore, the international community appears determined to confront ethnic cleansing and acts of genocide. Through two important Security Council resolutions, it has recently acquired institutions designed to punish massive violations of human rights and, quite obviously, of non-discrimination as well.

87. The African States should give further consideration to the issue of racial discrimination by taking immediate and effective steps, as pointed out in article 7 of the Convention, to combat prejudices that lead to racial discrimination and to promote understanding, tolerance and friendship among nations and racial and ethnic groups. As Mr. Perera of the World Federation of United Nations Associations put it so well, it will be a matter of "providing effective education within the family, schools, synagogues, temples, churches and mosques, involving non-governmental organizations (NGOs) and above all the media, especially radio, television and other electronic means of communication" (E/CN.4/1997/SR.10, para. 26).

C. Europe, North America and Asia

1. Education in the school

88. A limited number of States parties have taken the necessary legislative and administrative measures to readjust their educational policies to the requirements of article 7 of the Convention.

89. In some States parties curricula for primary and secondary schools are geared to counteracting prejudice, racism and racial discrimination and to promoting tolerance between ethnic groups. In others compulsory school curricula encourage understanding and tolerance, and appreciation of and respect for cultural diversity. Human rights subjects are included in many curricula. Recently, more emphasis on human rights education is being placed in public junior and senior secondary school curricula; few States parties include human rights subjects in primary school curricula. Not enough attention is paid to the evils of racism and racial discrimination and the need to combat them. Very little attention is paid to the specific provisions of the Convention. As a general rule school curricula teach equality and promote freedom of conscience and religion and multicultural interrelationships. Some compulsory curricula include subjects teaching intercultural understanding, human rights, coexistence in multicultural societies, tolerance and respect for different religious, ethnic and social groups.

90. A number of States parties have established national bodies specifically to help in the education and training of minorities and ethnic groups. These bodies have recommended that school curricula and syllabuses include in particular the study of the most important human rights international instruments, including those adopted by UNESCO, the Council of Europe and Asian regional organizations. In a number of States parties school curricula must ensure that education is objective and projects manifold viewpoints, teaching the moral and cultural-historical content of religions. Some States parties pay particular attention to educating children in primary and secondary schools to be wary of subtle, visible and hidden forms of racism and racial discrimination, and encouraging them to combat racism and to meet with foreigners without fear. In a number of States parties school subjects dealing with past experiences in those States, when discrimination, xenophobia and racial hatred were official policies, are compulsory. In States parties which recognize the existence of minorities on their territories, education is focused on promoting equal opportunity, freedom of conscience and religion, patriotism and the right of national and ethnic minorities to education in their mother tongues.

91. Minority languages are taught in some States parties from primary school onwards. In others, instruction in minority languages is carried out in special classes in primary and secondary schools. In a number of States parties secondary schoolchildren are also given instruction in minority languages which are used frequently in the society. In some States parties the main objective of the educational system is to promote respect for other peoples and understanding of their contribution to civilization. Some States parties educate children of immigrants and foreigners in their mother tongues in addition to ensuring proficiency in the official language, the basic

principle being not assimilation, forced or hidden, but integration into the State party's society on an equal footing with the majority population. There are laws in some States governing the establishment of schools or classes providing mother-tongue instruction.

92. Some States parties have consistently pursued integrationist policies in education and teaching, which, they believe, will help immigrants integrate into society while preserving their cultures, traditions, etc. Importance is therefore increasingly being attached in some cases to education that preserves and develops the cultural uniqueness of minorities and protects their right to cultural and national autonomy. A limited number of States parties offer bilingual instruction to pre-school children. Some States offer vocational training, in addition to regular school classes, to refugees. States parties which pursue policies encouraging integration of immigrants are wary of the dangers of non-positive assimilation of minorities and ethnic groups lest assimilation lead to their subordination to the predominant society at the expense of their cultural traditions and customs.

93. A number of States parties have carried out a complete overhaul of their educational systems and policies to divest them of totalitarian doctrines and set them on the road to educating pre-school and schoolchildren in the true values of human rights, as contained in the basic international human rights instruments, in particular the Convention.

94. A number of States parties have carried out or are currently conducting national campaigns against racism and prejudice in the primary and secondary schools. Others have adopted plans of action against racism and to combat violence in extra-curricular activities, conduct special classes and thematic units in junior high schools; conduct targeted campaigns such as youth campaigns against racism, intolerance and xenophobia, the European Youth Campaign against Racism, Anti-Semitism, Xenophobia and Intolerance, the North against Xenophobia Campaign, and the Train of Cultural Freedom; and implement national action-oriented plans to combat violence, particularly against foreigners, preparing school curricula that encourage understanding, tolerance, respect for cultural diversity and friendship between different racial and ethnic groups, and conducting classes on universal problems of human rights and coexistence within a given society as a challenge to conventional educational precepts, special classes like "schools without racism", and various specialized courses of vocational training and general education for children of disadvantaged groups.

95. Some States parties require their local authorities to respect the rights of parents or guardians with regard to the education of their children so that it conforms to their religious or ideological convictions.

96. Some educational systems whose main objective is the promotion of respect for other peoples and understanding of their contribution to civilization fail to place any emphasis on racism and racial discrimination and the need to combat them. Such systems have been trying, with varying success, to include in their secondary school curricula subjects such as world culture as a result of collective human effort and struggle, history

represented from various points of view, the interdependence of nations, respect for the right to self-determination of peoples and for racial equality, avoiding dogmatism and promoting dialogue.

97. In a number of States parties the human rights subjects included in the educational curricula and syllabuses are confined mainly to the Convention on the Rights of the Child.

98. College and university education deal with the specifics of human rights and often in detail with the Charter, the International Covenants and, in rare cases, the Convention.

99. Adult education on human rights with particular emphasis on racial discrimination is very often left to NGO courses, seminars, workshops and various public activities. A number of States parties provide financial assistance, including grants through the competent ministries (Culture, Education, Youth and Sports), to support specific projects promoting the cultural heritage of minorities.

100. In some States parties civic education programmes for elementary and secondary schools include education in democracy, tolerance and human rights, though their effectiveness is yet to be proved. Some States parties take special measures for the education of pre-school children based on the humanistic development concept, meaning that children have special rights to live in healthy surroundings and that society should provide them with the best possible conditions for growing up, developing and learning, without any exceptions or discrimination. In those States, primary and secondary schools aim to help pupils to develop ethical norms and views, to understand different cultures and ways of life and to respect different peoples, cultures and traditions by teaching history in an unbiased and truthful manner. Teaching of the social sciences subjects helps foster intercultural education, particularly at secondary school level. The effectiveness of the teaching is enhanced if the intercultural aspect is dealt with throughout all the subjects and projects, permeating all school work and activity, and when it forms an integral part of teacher training courses.

101. There are some societies where racial discrimination and, in particular, xenophobia, receive special attention at all levels of education. Educational systems are very much aware of these serious phenomena and, with the significant help of Governments and the public, are making serious efforts to explain their causes and to explore ways and means to cope with them with a view to their elimination. School and extra-curricular activities in a number of States parties which are forced to deal with the immediate effects of xenophobia and racial discrimination benefit from such activities as counselling by social educational institutes, scientific surveys and congresses, continuing education programmes for teaching staff, class and school festivals focusing on the culture of foreign pupils, school assistance for foreigners living in the neighbourhood, partnerships and pen friendships with foreign schools and pupils, class discussions with asylum seekers, etc.

2. Education and training of law enforcement and other officials

102. A number of States parties have already focused seriously on the need to teach and train law enforcement officials and members of other professions in the basic sources of human rights such as the Charter of the United Nations, the Universal Declaration of Human Rights, the six main international human rights treaties (the covenants and conventions), the principles, minimum rules and declarations, the conventional (treaty-based) mechanisms, the extraconventional (Charter-based) mechanisms such as special rapporteurs and working groups, the 1503 procedure, sources, systems and standards at the regional level (the European system under the Council of Europe, the Inter-American system under the Organization of American States). In States parties with minority languages with official status, the most important international human rights instruments have been translated into those languages.

103. In a number of States parties there are regular seminars organized by specially created institutes for the education of judges, public prosecutors and junior clerks. Subjects discussed include prevention of inter-ethnic conflicts, education for national minorities and policy in relation to national minorities (in some States parties there are themes and subjects addressed individually to different national minorities). There are regular curricula and plans for basic and advanced training of police and members of other professional groups which include fundamental freedoms and basic human rights, their protection, and the remedies of amparo and habeas corpus. There are special courses on racism and racial discrimination, xenophobia and intolerance, and the ways and means to combat them. Courses on law and history include discussion of racial discrimination and guidelines for handling cases of racial discrimination. There are also procedures for dealing with litigation stemming from incidents of racial discrimination. Education and training also include international standards on ethical and legal police conduct, fundamental principles and specific provisions on such conduct, in particular law enforcement ethics and the use of force, individual responsibility, exceptional circumstances and public emergencies, handling racist and related disturbances, riots and acts, etc.

104. Special attention is being paid in a number of States parties to educating and training law enforcement and other officials in international standards on non-discrimination, specifically racial discrimination, specific provisions on non-discrimination, the right of a person to recognition before the law and the right to equality before the law, the right to a fair trial, the right to equal access to public service, ways and means to curb, combat and prevent incitement to racial discrimination, and derogation from obligations in time of emergency. In this respect, special attention is paid to studying problems of racism and racial discrimination and the Convention.

105. In a number of States parties special measures have been taken to establish national institutions or, in Europe, branches of regional human rights institutions, to provide education and training information and documentation and to undertake research for judges, prosecutors, lawyers, etc.

106. A number of States parties regularly conduct evening classes on racism and racial discrimination and how to combat them, as part of a preparatory course for members of ethnic minorities applying for admission to police academies. Some States place special emphasis on training law enforcement officials how to improve relations between the police and ethnic communities.

3. Teaching

107. Teaching of others besides schoolchildren and university students is also a priority of the educational policy of many States parties. In some States parties, special measures are continually being taken to apprise teachers, lecturers and other educational personnel of the need to emphasize the problems of racism and racial discrimination and the need to eliminate them by teaching human rights-related subjects. This is an important problem in a number of States parties because teaching human rights, and particularly the elimination of racial discrimination, at school is extremely sensitive and requires a suitable approach. At college and university it is easier in the sense that human rights subjects, and particularly the Convention, can be taught as academic subjects and discussed at seminars and workshops.

108. In a number of States parties governmental mechanisms provide continuing education and advice to teachers, teachers' organizations and school authorities. Special care is being taken not only to train teachers in minority languages but also to maintain their professional skills at the highest levels. Government policies are especially geared to providing advice and professional services to teachers and lecturers who are confronted daily with the weight of issues of growing intolerance with respect to foreigners, migrant workers and refugees, and with coping with acts of racial discrimination.

109. A number of States parties are acutely aware of the need, in their efforts to give effect to article 7 of the Convention, to plan appropriate school schedules, teacher training and joint activities, and to set up a mechanism to coordinate initiatives concerning teaching about the evils of racism and racial discrimination and about the need to combat and eliminate them. Some States parties sponsor annual teacher-training programmes that go beyond the expert field of teaching in its strict sense and include issues that could be called informal curricula. Exchange of teachers and students within the framework of international meetings, conferences, seminars, workshops, etc. has proven to be very instructive.

4. Culture

110. Many States parties organize, on a regular basis, numerous events to promote and improve intercultural understanding and to prevent and eliminate racist tendencies. There are regular cultural exchanges between various ethnic and linguistic communities and groups, particularly in multilingual States, exchanges of young people of different ethnic origin, ethnic festivals and days of ethnic culture, ethnic film festivals, sports competitions, etc. In a number of States parties there are active ethnic theatres, movies showing ethnic films, folk dance and ethnic song groups, etc. Cultural centres

dealing with minority and ethnic issues, other ethnic associations, libraries for national minorities and other bodies regularly carry out diverse activities to promote different ethnic cultures.

111. National museums of ethnology are also involved in programmes and exhibitions to promote intercultural contacts and disseminate values of cultural pluralism and intercultural and ethnic understanding. A number of States parties consistently promote minority cultures and languages, traditions and customs.

112. Some States parties focus their attention on young people from various ethnic and linguistic communities, involving their creative and imaginative talents in preserving and promoting diverse ethnic and minority cultures. A number of States parties have set up centres for equal opportunity and for action to combat racism in which they organize cultural and awareness-raising campaigns to promote ethnic cultures and to draw attention to the evils of racism and the need to combat racial discrimination. Others have set up bodies to promote ethnic equality which hold conferences and initiate studies, publish reports dealing with race and equal treatment, ethnic minorities and local authorities, racial equality and integration of ethnic minorities, publish catalogues of films about and/or by members of ethnic minorities, etc. They also hold intercultural events with a view to promoting harmonious coexistence.

113. Scientific research, though not on a regular basis, is undertaken on various aspects of multicultural societies, cultural diversity, national minority identity, migration and immigration problems.

114. A number of States parties organize events and activities to aid refugees and immigrants; conferences and seminars on political extremism, hate and violence against foreigners; projects for specific minorities; days and weeks to combat racism; and rallies on the occasion of 21 March - International Day for the Elimination of Racial Discrimination.

115. A limited number of States parties have established councils for minorities (nationalities, ethnic communities, etc.) to advise the Government on policies in respect of persons belonging to national minorities, to participate in the preparation of government measures involving the rights of ethnic and other minorities, to provide advisory opinions on draft legislation concerning national or ethnic and linguistic minorities, to cooperate with local authorities in the implementation of governmental policies in respect of national or ethnic minorities, to prepare materials dealing with their situation, to submit requests to the Ministry of Culture for grants for the development and preservation of minority cultures and to discuss problems relating to racial violence and discrimination, particularly of vulnerable groups. There are States parties in which minority associations have been established and function unimpeded. A number of States parties provide, constitutionally or otherwise, for the establishment of political parties and political movements on a minority or ethnic basis.

116. European States parties members of the Council of Europe have been active in the Council's campaign against racism, xenophobia, anti-Semitism and intolerance, and have organized activities at the national level to further

the aims of the campaign. The campaign is also aimed at putting forward examples of a positive lifestyle in a multicultural society in which young people are actively involved in the fight against racism and to promote different ethnic cultures.

D. Latin America

117. Research based on the limited material available (Governments' reports to the Committee on the Elimination of Racial Discrimination, additional information submitted by Governments and contextual material) shows that there is growing concern in Latin America with issues related to racial discrimination in its broadest sense. In recent years, a large number of government programmes have been set up, particularly for education of and with the indigenous peoples of the continent. The establishment in 1992, by all the Latin American countries, of the Fund for the Development of Indigenous Peoples of Latin America and the Caribbean was an important step towards raising people's awareness of the Latin American ethnic question.

118. The process of introducing the subjects of racism and racial discrimination into school curricula is not very far advanced. Few countries have human rights education programmes operating at the school level as a part of normal teaching and everyday educational activities. Among intercontinental organizations there is a desire to implement such programmes, but they are not yet seen as a concrete reality. As a result, the implementation of article 7 of the Convention in the countries of Latin America is incomplete or in its very early stages.

119. In our view, article 7 of the Convention can be seen in terms of three main areas: (a) teaching and education, (b) culture and (c) information. Within each of these areas we shall now examine the measures adopted to: (a) combat the prejudices that lead to discrimination, (b) promote understanding, tolerance and friendship and (c) propagate the principles of the United Nations.

1. Introductory remarks

120. Many kinds of prejudice and forms of racial discrimination existing in Latin America are quite specific to the cultural characteristics and history of the region, bearing different connotations from those in other continents. The three most important matters to which the issues dealt with in article 7 of the Convention apply are (a) the relationship of societies with the indigenous peoples of Latin America, (b) relations with the peoples of African origin in Latin America and (c) relations with migrant populations from other countries, such as refugees, migrant workers and other displaced persons. Cases of intolerance towards minority groups do exist, but they are not a serious or widespread problem in the countries of Latin America.

(a) *The indigenous question*

121. The indigenous question is the most important aspect of discrimination and racism in Latin America. It arises from the European conquest and colonization of pre-existing indigenous peoples and cultures: great civilizations were destroyed and from that time onwards a colonial

relationship was established between the white European, and later also the mestizo (European-Creole), portion of the population and the bulk of the population who were of indigenous or mestizo descent or simply belonged to surviving indigenous groups. Discrimination against indigenous people has always existed in Latin America and continues to this day. Racial discrimination against indigenous people in Latin America is complicated by the fact that, from the earliest days of the colonial period, intermingling of the races has been common and widespread: the majority of the inhabitants of the countries with the deepest indigenous roots (such as Bolivia, Peru, Ecuador, Guatemala and Mexico) is of mestizo origin and the same often applies to the upper classes and ruling groups. For that reason, the question of measures to prevent discrimination against indigenous peoples usually involves the situation of rural indigenous communities alone, the survivors of the ancient indigenous peoples, who retain or conserve many of their ancestral traditions.

122. In recent years, the reports of the Latin American countries on the question of racism and discrimination in general have undergone a great change. Today, Governments recognize the existence of discrimination in society and try to find ways of overcoming it. In the past, States would dispute the existence of any kind of discrimination in their territory simply on the grounds that all were equal before the law, as every Constitution recognized and solemnly declared. Now, most reports acknowledge the existence of racial or ethnic discrimination in their territory and indicate a desire to overcome it.

123. The report of the Republic of Bolivia, submitted on 27 April 1995 to the Committee on the Elimination of Racial Discrimination (CERD/C/281/Add.1) contains an alarming testimony from the Vice-President of the Republic himself, Victor Hugo Cárdenas: "[With respect to discrimination against the indigenous woman] Cárdenas recognizes that progress is slow, though tangible, and does not deny that indigenous communities still suffer from marginalization and racism. For example, his wife, Lidia Katari, a teacher by profession, is unable to teach because she dresses in the traditional Indian skirt, shawl and bowler hat. 'Years ago they told her that she either got rid of that attire or stopped working. She asked for leave and is now in the battle for her own rights and those of the rest of the indigenous population'. The experience of Cárdenas' grandfather was far more bloody: his boss ordered his hand to be cut off because he considered it insolence that he should be able to write. His father had to change his Aymara family name and adopt the Spanish family name from his mother's line ..." (para. 38). It is also interesting to note the definition given in the report of Guatemala (CERD/C/292/Add.1, submitted on 1 February 1996), in which the following statement is generally true of many countries of the region: "It should be emphasized ... that the Government of Guatemala does not advocate any discriminatory behaviour or attitudes in Guatemalan society and that discrimination exists in a veiled form in the daily lives of Guatemalans, in human interrelationships based on structures inherited from the past." (para. 11).

(b) *The question of the population of African origin*

124. In many areas and countries of Latin America, the disappearance of the indigenous population led to the introduction of African labour during the colonial period and even during the republican period of the nineteenth century. The population of African origin in Latin America is the victim of discrimination, which expresses itself in different ways from country to country. Various kinds of discrimination occur chiefly in the socio-economic context, since the population of African origin makes up the poorest segments and the mass of the population. However, the racial discrimination to be found in Latin America differs in nature from that which occurs or has occurred in societies based on apartheid or deep racial divisions, where the races have been kept apart for generations. Like the indigenous population, the population of African origin began mixing with other races in colonial times, so that in some areas or countries it is almost completely intermingled and makes up the entire population or the whole lower class. In these cases, the racial question is closely bound up with the social question, that is to say with the country's labouring classes.

(c) *Migrations, refugees and migrant workers*

125. One recent phenomenon is the major population movements occurring in the region. Latin Americans immigrating to north America, migrant workers from one Latin American country going to neighbouring countries in search of work, as well as refugees and political exiles seeking asylum in another country are new phenomena related to the process of globalization under way in the region. It is likely that such social phenomena will intensify in the near future.

2. Measures in teaching and education

126. Many Latin American countries are taking steps in the area of education and teaching to prevent various forms of discrimination. Some of these measures are taken in the context of formal education, i.e. of the educational system and schools themselves, and others in that of education in general and in particular adult or community education.

(a) *Programmes for the educational system in general*

127. As regards the curriculum of the educational system, a number of countries have taken specific initiatives to introduce (i) human rights dissemination and teaching programmes and (ii) programmes to disseminate information on indigenous peoples and their rights with the aim of eliminating all forms of discrimination. UNESCO has promoted the establishment for school curricula of "across-the-board material" which analyses the issue of tolerance, discrimination against indigenous populations and racial discrimination, together with human rights education. A number of countries have incorporated into their school curricula topics connected with the rights of indigenous communities and other groups that suffer discrimination. The Inter-American Institute of Human Rights, based in Costa Rica, has conducted a large number of activities to promote the teaching of human rights, bringing together teachers and specialists in order to work out a human rights teaching xmethodology.

Human rights education

128. Not all the countries have incorporated explicit human rights teaching programmes into their education plans. Nevertheless, the importance of this subject in education has increased and a number of countries have begun to look differently at the possibility of incorporating across-the-board material or courses into these subjects. A number of examples are given below, although they are by no means exhaustive and are based solely on the scanty material available.

129. In Argentina, one of the objectives of the Department of Human and Social Rights (Ministry of the Interior) is to "help to incorporate education for human rights ... into all levels of formal education as the basis for a citizens' ethic, guarantee human rights and prevent violations" (CERD/C/299/Add.11, para. 55). Colombia has developed the National Education for Democracy Project, implemented jointly by the Ministry of Education and the Presidential Commission on Human Rights; the idea is to focus attention, through the school curriculum, in such a way as to "[establish] education for democracy as a basic compulsory subject" (CERD/C/257/Add.1, paras. 114 and 115). In Panama, "the Commission to Promote Human Rights Education and Learning in all Panama's State and private educational establishments was set up by Decision No. 2701 of 14 September 1990 ..." (CERD/C/299/Add.1, para. 81); numerous activities have taken place in this field. In one multiracial country, Trinidad and Tobago, "social studies textbooks utilized at the primary-school level continue to educate citizens ... about their diverse racial, religious and cultural society" (CERD/C/224/Add.1, para. 34).

130. In Brazil, São Paulo State has introduced into its syllabuses a subject dealing with the issue of racism. A subject called "History and Culture of Africa" has also been introduced into Brazilian school and university syllabuses; the aim is to make people aware of the place of African cultures in the make-up of Brazilian society (CERD/C/263/Add.10, para. 164).

131. Despite an increasing emphasis on human rights teaching and education for tolerance at school level, much remains to be done. No Latin American schools have taken part in the 1996 UNESCO project on school-based programmes oriented towards peaceful conflict resolution. Moreover, other projects aimed at teaching human rights in schools have not been entirely successful.

(b) *Non-school educational programmes*

132. A large number of countries have developed non-school educational programmes in order to promote greater understanding of indigenous peoples and thus prevent discrimination. The report submitted by Mexico to the Committee on the Elimination of Racial Discrimination on 19 August 1996 describes the activities of the Human Rights Commission in this respect, including seminars, activities, radio programmes, training for propagandists, dissemination of information and other forms of non-school education designed to promote human rights and in particular indigenous rights (CERD/C/296/Add.1, paras. 16-23).

133. The Government of Brazil has published 2 million copies of the "Manual of Justice" describing citizens' rights, in collaboration with the Brazilian Magistrates' Association (CERD/C/263/Add.10, para. 163). In a number of

countries, joint initiatives have been taken by non-governmental organizations and Governments to publish the Universal Declaration of Human Rights in various languages and to publicize the contents of the International Convention on the Elimination of All Forms of Racial Discrimination.

(c) *Intercultural education programmes and bilingualism*

134. The central aspect of the application of the provisions of article 7 of the Convention in their broadest sense is probably the establishment in many countries of Latin America of intercultural bilingual education programmes targeting indigenous populations.

(i) Context and conceptual framework

135. For many decades, the education offered by Latin American States was universal and took no account of students' local, regional, ethnic or linguistic culture patterns. From the time mass primary education was introduced in the last century, school was considered essential to the formation of the nascent Latin American nationalities. Thus school was supposed to "hispanicize" the population, teach basic civics and provide the conceptual tools necessary for people to function in society. In the present century, mass schooling in rural areas has made education an important instrument of linguistic and cultural unification.

136. During the 1930s, the view was that isolation and a lack of linguistic communication were the main problems that affected and caused discrimination against indigenous communities. In many Latin American countries special educational programmes were set up for the indigenous communities with the aim of improving their command of Spanish (or Portuguese). This process was called "bilingual education", meaning that the indigenous language was used as a communicative bridge with the new language, the country's official language; today, in technical terms, this approach is called "transitional bilingual education", since once the official language has been learnt, the vernacular or mother tongue is left behind.

137. In the 1970s, a new bilingual education movement began in Latin America, known as "intercultural bilingual education", the aim of which is that indigenous children should master both languages simultaneously and establish a dialogue of respect between the indigenous culture and the dominant national culture; many programmes of this kind have been implemented, reflecting the highest level of non-discrimination in the educational system.

(ii) Experiences in intercultural bilingual education

138. The large number of initiatives in the area of intercultural bilingual education are the work of ministries of education, organizations specializing in indigenous affairs, universities and non-governmental organizations. A group of universities in South America operates a joint project based at the University of Cochabamba, in Bolivia, to develop postgraduate studies for teachers specializing in intercultural bilingual education.

139. Colombia is one of the countries of the region with a relatively long experience of intercultural bilingual education. It has passed a great deal

of legislation designed to give indigenous peoples control over their own education and match it to community needs. Experience has been gained in training teachers in intercultural bilingual education, curricula in various languages have been devised and there is a great deal of linguistic research and bilingual texts (CERD/C/257/Add.1, paras. 117-126).

140. Ecuador is another country in which an intercultural bilingual education programme has been developed. It has been in operation for nearly 10 years. The chief difference between this programme and others of the same kind is that it has been decided on and in some cases implemented as a joint venture between the specialized government bureau and the Confederation of Indigenous Nationalities of Ecuador (CONAIE), a widely recognized body that brings together a great variety of the country's ethnic groups.

141. In Guatemala, where the indigenous population is very large (according to information from 1992, 52 per cent of the population is Maya (CERD/C/256/Add.1, para. 8)). A bilingual education programme (PRONEBI) has been put into operation as part of the peace accords, and in particular of the agreement on indigenous rights. The report submitted on 1 February 1996 describes progress in education in indigenous areas, with 337,000 children enrolled in new pre-primary and primary bilingual and monolingual programmes in urban and rural areas (CERD/C/292/Add.1, para. 60). The Department of Bilingual Intercultural Education of the Ministry of Education has drawn up "bilingual intercultural educational policies and strategies [that] provide the Maya, Xinca, Garífuna and Ladino peoples with socio-cultural and educational tools to build a democratic and pluralistic society in the framework of a culture of peace and understanding" (ibid., para. 62). Special efforts have been made to raise literacy among indigenous women through courses, seminars on their rights and other similar activities. Special mention is made of the investments and work of the National Peace Fund, set up at the time of the Guatemala peace accords, which has enabled new schools to be built and school programmes in indigenous areas to be implemented (ibid., chap. III.C).

142. In Bolivia, another country with a large indigenous population, an Educational Reform Act was passed in July 1994, establishing, inter alia, intercultural bilingual education in the Bolivian educational system. One of its basic principles is "to establish the democratic, participatory, intercultural and bilingual nature of national education, in response to national reality"; the aims of the reform include acknowledging "Bolivia's ethnic and cultural diversity, by opting for an intercultural and bilingual form of education to satisfy the needs of the individual and of his community" (CERD/C/281/Add.1, paras. 49 and 50).

143. In Nicaragua, the Atlantic Coast Region enjoys special autonomous status under the 1987 Constitution. "A Spanish-Miskito and Spanish-Sumu bilingual education programme has been initiated as a practical means of developing the rights to culture and language of the communities of the Atlantic Coast region of Nicaragua. Among the programmes implemented as measures to combat racial discrimination are the programmes in the Miskito, English and Sumu languages given by the Bluefields Indian and Caribbean University." (CERD/C/277/Add.1, para. 61). The programme in the autonomous zone has its own textbooks and has been in operation for several years.

144. According to article 17 of the Constitution of Peru, "the State is concerned to eradicate illiteracy and encourage bilingual and intercultural education, while preserving Peru's various forms of cultural and linguistic expression" (CERD/C/225/Add.3, para. 106). For several years the city of Puno used to run one of the region's best developed intercultural bilingual education programmes. As the Government's report indicates, many of these programmes have been discontinued in recent years owing to the violence that affected the altiplano and the mountainous areas of Peru.

145. According to article 32 of Chile's Indigenous Peoples Act No. 19,253, of 5 October 1993, "in areas where there is a dense population of indigenous people, an intercultural bilingual education system shall be developed in order to prepare indigenous students to become involved in appropriate ways both in their own society and in society at large". In 1992, work began on the development of teacher training programmes in intercultural bilingual education for both the Mapuche people and the Aymara. Experimental intercultural bilingual education plans have been set up in rural and urban schools and several universities are developing postgraduate and specialist courses for teachers in these subjects.

146. Venezuela has an intercultural bilingual training programme that began in 1986 and focuses on teacher training. In 1995, the first group of 18 bilingual teachers, who are members of the Kariña, Guajibo and Piaroa ethnic groups, graduated in the city of Maracay (CERD/C/263/Add.8/Rev.1, para. 120). In Argentina, the National Institute of Indigenous Affairs runs several intercultural bilingual education programmes, most notably in El Chaco in the north of the country, where the Wichi ethnic group lives. A number of programmes have been developed, in particular a project entitled "Preparation of teaching materials for Wichi language literacy courses" (CERD/C/299/Add.11, para. 25 (f)).

147. It is in Mexico that indigenous education programmes have been in place the longest. The first ideas on indigenous education in Latin America could be said to have originated there. With the establishment of the Education and Literacy Centre (CREFAL) for the indigenous communities in the city of Patzcuaro in 1941, the country became the centre of discussion of this topic. Today there are a large number of State and private intercultural bilingual education programmes. The National Institute of Indigenous Affairs maintains schools and programmes in many communities throughout the country.

148. Equally important is the fact that, in recent years, bilateral agreements on intercultural bilingual teaching and education have been signed between neighbouring countries in which there are indigenous peoples belonging to the same ethnic group. Examples are the Bucaramanga accords, between Colombia and Venezuela, and the agreements on Darién, between Colombia and Panama. No doubt other developments in special education policies for indigenous peoples have been overlooked, but certainly nearly all the countries today are setting up pilot programmes, training bilingual teachers and producing textbooks.

3. Cultural measures

149. Cultural tolerance has been promoted in a number of countries through various initiatives. Most often these take the form of scholarship programmes to help indigenous groups affected by discrimination to gain access to education. Brazil - the only country that we know of to do so - has allocated 10 per cent of places in higher education to young people from black or indigenous groups affected by discrimination; this is a case of positive cultural discrimination. Some legislation, as in Chile, Peru and Bolivia, encourages the production of radio programmes and the establishment of indigenous-language broadcasting stations. There are a number of Latin American cities where, in recent years, many indigenous-language programmes have begun to be heard, which was not the case until very recently.

150. Some countries have established public and private bodies committed to eliminating all forms of racial discrimination.

151. The report of the Republic of Argentina notes the establishment in 1995 of the National Institute to Combat Discrimination, Xenophobia and Racism, whose aims are prevention and the dissemination of existing principles and legal norms relating to non-discrimination; informing the public; and planning and promoting educational campaigns and research on these subjects. In the meantime, the National Anti-Discrimination Programme has been in operation since 1993 (CERD/299/Add.11, paras. 53-54).

152. The report of Trinidad and Tobago notes the establishment of the Centre for Ethnic Studies of the University of the West Indies (St. Augustine, Trinidad Campus) in late 1992; its objective is to study the question of race relations systematically (CERD/C/224/Add.1, para. 8).

4. Measures in the area of information

153. Very little progress appears to have been made in this area recently. Reports and studies do not indicate the existence of any initiatives making use of the mass media as vehicles for education in tolerance and human rights. Exceptions undoubtedly exist, however, chiefly in the form of initiatives to set up broadcasting stations in many areas, run independently by indigenous leaders who broadcast in their own languages; these are an important instrument for the development of identities and respect for cultural diversity.

154. Special mention has been made of the Bolivian telecommunications bill, which "assigns to the State media the important mission of promoting respect for human rights and combating all forms of discrimination" (CERD/C/281/Add.1, para. 58).

155. In a number of countries there are radio stations, mainly, which broadcast in indigenous languages, for example Radio Musku in the Atlantic Coast region of Nicaragua, which broadcasts in Miskito, and Radio Shuar in Ecuador, which broadcasts in the indigenous language to the whole of the Shuar Federation territory in the eastern part of the country, towards the Amazon. In Temuco in the south of Chile, a number of radio programmes are produced independently and with assistance from the National Corporation for Indigenous

Development, a government department, and are broadcast in Mapuche. In various Latin American capitals, including Lima, La Paz and Quito, there are a number of commercial radio stations which broadcast in indigenous languages following the massive rural migration to the cities of recent years and the revitalization of indigenous languages in a modern, urban environment.

5. Special measures to eliminate racial discrimination against Afro-Latin American groups

156. As indicated in introductory section 1 (b) (para. 124), the situation of the Latin American population of African origin with regard to discrimination is rather special. It is only in recent years that States have started establishing guidelines for the development of policies aimed specifically at this segment of the population. Very little has yet been done in producing educational materials.

157. There are a large number of countries in Latin America where problems of racism or discrimination do not occur openly and explicitly, despite the existence, in many cases, of a majority population of Afro-American origin. A report from the Government of the Dominican Republic, dated November 1994, indicates that 72 per cent of the population is Mulatto, only 15 per cent is white, and the remainder are black; "there is no marked differentiation on ethnic grounds among this population, which is nearly completely integrated in all aspects of the nation's social, economic and cultural life" (E/1990/6/Add.7, para. 4). As a result, in such countries there are no special programmes targeting this group, which is covered by general programmes instead.

158. Other countries, however, do devise differentiated policies or are concerned with the integration of racially different groups. Brazil has a very large population of African origin and has developed a number of important initiatives for the prevention of discrimination, such as the following: "Despite representing a large proportion of the Brazilian population, the image of Negroes and Mulattos presented by means of mass communication in the country is deprecatory and they often appear in discreditable or debasing situations. In an attempt to offset this negative image, bill No. 3791/93 has been presented concerning the inclusion of Negroes in television productions, films and advertisements" (CERD/C/263/Add.10, para. 167 (c)). Brazil has established a system whereby 40 per cent of those participating in Government-contracted media activities must be black; the aim is to show, through the media, the importance of Negroes in the cultural make-up of Brazilian society. Colombia's Constitution speaks of major progress in political participation for the Afro-Colombian and indigenous communities, and the legal order establishes special electoral constituencies for indigenous groups and the black communities (article 171 of the National Constitution and Law No. 70 of 1994). Black communities recognized by law may develop forms of autonomy. There is a particular problem in some communities whose mother tongue is English, as in the island of San Andrés.

6. Initiatives aimed at migrants and displaced populations

(a) *Migrations and migrant workers in the countries of Latin America*

159. There are many migratory flows in Latin America. Prompt attention to this subject is needed in order to produce educational, communication and information policies that can help to prevent discrimination and promote tolerance. Chapter IV of Mexico's 1996 report (CERD/C/296/Add.1, paras. 56-69) describes "migratory flows at the southern border and the protection and defence of the human rights of migrant workers entering Mexico". A "Human Rights Primer for Migrants" has been prepared and could be a valuable tool not only for the education and training of migrants, but also for the public at large, children and young people in schools.

160. Argentina's 1997 report (CERD/C/299/Add.11, para. 32) describes the migration of Bolivian nationals into Argentina and the measures that are being taken in that regard.

(b) *Migrations from Latin America abroad*

161. One aspect of undoubted importance is the protection of nationals abroad, who face growing racism and xenophobia. This is a particularly delicate question in some parts of America, especially in the border areas between Mexico and the United States. Latin American countries note with concern the situation of their nationals living temporarily or permanently abroad, who face racism and xenophobia. Many of them have emigrated to developed countries in search of better job opportunities because in those countries there is unskilled work requiring foreign labour for which labour is not available locally.

(c) *Migrations of indigenous people*

162. The migrations of indigenous workers contribute one more element to the complexity of the subject. In many cases migrant workers are indigenous people and face double discrimination, as migrant workers and as indigenous people. A new phenomenon is emerging in many developed countries as indigenous migrants form groups. Mexico's 1996 report to the Committee on the Elimination of Racial Discrimination describes the gathering entitled "*Los distintos rostros de la migración*" (the various faces of migration), held in order to draw attention to this situation (CERD/C/296/Add.1, para. 89).

163. The phenomena of migration and population movements from one country to another will certainly increase both within Latin America and between Latin America and other continents or developed countries. Education therefore has a very important role to play in helping people to get to know each other and developing ever greater tolerance.

VI. PRELIMINARY CONCLUSIONS AND RECOMMENDATIONS

164. The curricula of public elementary and secondary schools should include special subjects and classes aimed at developing awareness among schoolchildren, from as early an age as possible, of the basic human rights, with particular emphasis on racism and racial discrimination, and promoting

among them understanding of the basic principles of equality without regard to race, colour, national or ethnic origin, and of understanding, tolerance and friendship. Private and parochial schools should also be requested to include this subject-matter in their curricula.

165. Colleges and universities, and above all institutes of law and political science should introduce a compulsory human rights element in humanitarian and other relevant courses. This should include a thorough study of the Charter of the United Nations and the International Convention on the Elimination of All Forms of Racial Discrimination, as well as other relevant international human rights instruments.

166. There is no doubt that article 7 is relevant to different categories of people, including children, youth, women, abandoned children, street children, refugee children, indigenous children, migrant workers and their children, and children in armed conflict. States must address such issues as any form of abuse and exploitation, pornography and prostitution, sale, trafficking and abduction of children and juvenile delinquency.

167. Human rights teaching and education, with a special emphasis on racial discrimination, should not be confined to schoolchildren and university students. Teachers, lecturers, magistrates and senior administration and public officials must also be involved in special educational and training programmes emphasizing, in particular, article 7.

168. Law-enforcement officials, including members of the armed and security forces, should be involved in intensive training to ensure that in the performance of their duties they will uphold the human rights of all persons, without distinction as to race, colour, descent or ethnic origin.

169. There should be adequate training of members of other occupational groups.

170. States parties should be encouraged to ensure that training courses and programmes are aimed, as appropriate, at political party and trade union officials, religious leaders, NGOs, etc., as well as at officials of Government and public institutions.

171. States parties should take the necessary measures to establish a national focal point for human rights education and to put into effect an action-oriented national plan for education with a particular emphasis on racial discrimination and the provisions of article 7.

172. States parties must also ensure access to education at all levels to persons belonging to national or ethnic, linguistic and religious minorities, and should, as appropriate, include instruction in minority languages at least at primary, and possibly at secondary level.

173. States parties should approach human rights education on a broader basis, combining the need to eliminate racism and racial discrimination with the need to promote understanding, tolerance and friendship among all nations

and racial, ethnic and religious groups, thus increasing awareness of the dignity and worth of the human being and enabling all persons to participate effectively in a free society.

174. States parties should put into effect the call of the World Conference on Human Rights that human rights education and the dissemination of proper information, both theoretical and practical, should play an important role in the promotion of human rights without any discrimination based on race, colour, national or ethnic origin, sex, language or religion.

175. States parties should be requested to intensify their cooperation with the Office of the High Commissioner for Human Rights in the field of technical assistance with a view to training officials and others who are involved in activities related to human rights education with a particular emphasis on article 7.

176. States parties should develop and implement on a continuous basis not only specific programmes, but also strategies involving different channels of culture and information aimed at giving effect to article 7. In this respect, the direct and active involvement of ministries for education, social affairs, health care, justice and other associated executive branches will be of great advantage.

177. States parties should encourage, whenever and wherever appropriate, public and private information services, in particular the mass media to take into account in their wide-ranging activities the provisions of article 7, including educational action and other programmes against racism, racial discrimination, xenophobia, anti-Semitism and intolerance.

178. States parties are requested to take the necessary measures to promote knowledge of the history, language and culture of the ethnic groups on their territories and to ensure that persons belonging to those ethnic groups are educated to be knowledgeable about the language, history, traditions and culture of the society as a whole.

179. Cooperation should be encouraged with United Nations bodies, specialized agencies and other organizations including: the United Nations Educational, Scientific and Cultural Organization (UNESCO), particularly the Integrated Framework of Action on Education for Peace, Human Rights and Democracy (Paris, November 1995); the International Labour Organization (ILO); the Office of the United Nations High Commissioner for Refugees (UNHCR); the United Nations Children's Fund (UNICEF); the International Committee of the Red Cross (ICRC); the World Health Organization (WHO); the United Nations Development Programme (UNDP); the World Food Programme (WFP) and the United Nations Research Institute for Social Development (UNRISD).

180. States parties, United Nations, intergovernmental human rights bodies and international and national NGOs working in the field of human rights, in particular those dealing with the right to education, as well as grass-roots organizations and professional associations in this field, should continue to seek more effective and practical ways and means of establishing closer cooperation among themselves with a view to encouraging full implementation of article 7.

181. States parties should facilitate the participation of teachers' organizations, non-governmental organizations and grass-roots bodies in international, regional and national forums with a view to enhancing awareness of the need for education for peace and human rights.

182. When reporting under article 9 (1) of the International Convention on the Elimination of All Forms of Racial Discrimination, States parties are requested to provide their assessment of the effectiveness of their measures aimed at the full implementation of article 7.

183. States parties should take affirmative and effective measures in the fields of teaching, education, culture and information, with a view to combating racism and racial discrimination and promoting understanding, tolerance and friendship among nations and racial and ethnic groups. It is of paramount importance that States parties assess the effectiveness of the legal, judicial and administrative measures they have taken under article 7 and, acting upon their assessment, to introduce, as appropriate, the necessary changes.

184. The Committee on the Elimination of Racial Discrimination is duty-bound to continue to extend its cooperation to States parties in their implementation of article 7 by providing them with its own assessment of the effectiveness of their measures, and to continue to promote a constructive dialogue with all States parties when considering their periodic reports and in between them, particularly with respect to helping States parties give effect to the provisions of article 7.

Notes

1/ The references to the reports submitted by States parties for examination by CERD, as well as the concluding observations by the Committee and the summary records concerning the examinations of the reports in question, can be found in the annual reports of the CERD to the General Assembly at its last three sessions (A/50/18, A/51/18, and A/52/18).

2/ The 19 States which responded to the request for information were as follows: Austria, Bulgaria, Chile, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Egypt, Germany, Monaco, Morocco, Peru, Portugal, Republic of Korea, Slovenia, Sweden, Venezuela and Yugoslavia.

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